

808 KAR 10:010. Forms for application, registration, notice filing, reporting and compliance.

RELATES TO: KRS 292.327, 292.330, 292.331, 292.332, 292.333, 292.334, 292.350(2), 292.360(2), 292.370(2), 292.380(2), 292.410(1)(q), 292.430(1), (2)

STATUTORY AUTHORITY: KRS 292.327(1), 292.330, 292.331(1), (5), (6), 292.332, 292.333, 292.334, 292.350(2), 292.360(2), 292.370(2), 292.410(1)(q), 292.430(1), 292.500(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 292.327(1), 292.331(1), (5), (6), 292.332, 292.333, 292.334, 292.350(2), 292.360(2), 292.370(2), 292.410(1)(q), and 292.430(1) and (2) require the commissioner to prescribe the required forms for registration or renewal registration, for a notice filing, for a registration exemption, and for withdrawal of registration. This administrative regulation establishes the required forms and incorporates by reference those forms.

Section 1. (1) Pursuant to KRS 292.331(1), Form BD, Uniform Application for Broker-Dealer Registration, shall be completed to register as a broker-dealer in Kentucky.

(2) Pursuant to KRS 292.331(1), Form U-4, Uniform Application for Securities Industry Registration or Transfer, shall be completed to:

(a) Register as an agent or an investment adviser representative in Kentucky; or

(b) Transfer an agent's or representative's registration to another broker-dealer, issuer, or investment adviser.

(3) Pursuant to KRS 292.331(5), Form 33-e-1, Application for Renewal of Issuer Agent Registration, shall be completed to renew registration as an issuer agent in Kentucky.

(4) Pursuant to KRS 292.331(1) and 292.332, Form ADV, Uniform Application for Investment Adviser Registration, shall be completed electronically to register or notice file as an investment adviser or covered adviser in Kentucky.

(5) Pursuant to KRS 292.350(2), 292.360(2), and 292.370(2), Form U-1, Uniform Application to Register Securities, shall be completed to register a security for sale in Kentucky by coordination, qualification, or notification.

(6) Pursuant to KRS 292.327(1), Form NF, Uniform Investment Company Notice Filing, shall be completed to make a notice filing in Kentucky.

(7) Pursuant to KRS 292.327(2), Form D, Notice of Exempt Offering of Securities, under Section 18(b)(4)(D) of the Securities Act of 1933, shall be completed to file for an exemption or register an offering under 808 KAR 10:280, Section 2(1).

(8) Pursuant to KRS 292.430(1) and (2), Form U-2, Uniform Consent to Service of Process, shall be completed by an issuer required to file a consent to service of process.

(9) Pursuant to KRS 292.334(5), Form BDW, Uniform Request for Broker-Dealer Withdrawal, shall be completed if a broker-dealer withdraws his registration in Kentucky.

(10) Pursuant to 808 KAR 10:280, Form U-7, Small Company Offering Registration, shall be completed by a company who:

(a) Meets the eligibility requirements established in that administrative regulation; and

(b) Wants to register an offering pursuant to that administrative regulation.

(11) Pursuant to KRS 292.334(5), Form U5, Uniform Termination Notice for Securities Industry Registration, shall be completed to terminate registration as an agent or investment adviser representative.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Form BD, Uniform Application for Broker-Dealer Registration", January 2008;

(b) "Form U4, Uniform Application for Securities Industry Registration or Transfer", May 2009;

(c) "Form 33-e-1, Application for Renewal of Issuer Agent Registration", May 2002;

(d) "Form ADV, Uniform Application for Investment Adviser Registration", October 2010;

(e) "Form U-1, Uniform Application to Register Securities", January 2006;

(f) "Form NF, Uniform Investment Company Notice Filing", January 2006;

(g) "Form D, Notice of Exempt Offering of Securities", September 2008;

(h) "Form U-2, Uniform Consent to Service of Process", January 2006;

(i) "Form BDW, Uniform Request for Broker-Dealer Withdrawal", January 2008;

(j) "Form U-7, Small Company Offering Registration", September 1999; and

(k) "Form U5, Uniform Termination Notice for Securities Industry Registration", May 2009.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the:

(a) Department of Financial Institutions, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) Financial Industry Regulatory Authority (FINRA), 1735 K Street, N.W., Washington, D.C. 20006, or a regional FINRA office.

(3) Form ADV may also be obtained from the Securities and Exchange Commission, Branch of BD and IA Registration, 100 F Street, NE, Washington, D.C. 20549 (SR 500(3)-1; 1 Ky.R. 1092; eff. 6-11-75; Am. 8 Ky.R. 523; 879; eff. 2-1-82; 9 Ky.R. 613; eff. 12-1-82; 11 Ky.R. 1903; eff. 7-9-85; 18 Ky.R. 199; 701; eff. 9-6-91; 3238; eff. 7-4-92; 24 Ky.R. 2172; 25 Ky.R. 83; eff. 6-25-98; 32 Ky.R. 1784; 2015; eff. 6-2-2006; 37 Ky.R. 2482; 2836; eff. 7-1-11.)